

Amendments to the Claims

Claim 1 (Original): Hybrid maize seed designated 34B97, representative seed of said hybrid 34B97 having been deposited under ATCC accession number _____.

Claim 2 (Original): A maize plant, or its parts, produced by the seed of claim 1.

Claim 3 (Original): Pollen of the plant of claim 2.


Claim 4 (Original): An ovule of the plant of claim 2.

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Claim 5 (Currently amended) A tissue culture of regenerable cells or protoplasts of a hybrid maize plant 34B97, representative seed of said hybrid maize plant 34B97 having been deposited under ATCC accession number _____, wherein the tissue regenerates plants capable of expressing all the morphological and physiological characteristics of said hybrid maize plant 34B97.

Claim 6 (Previously amended): The tissue culture according to claim 5, the cells or protoplasts being from a tissue selected from the group consisting of leaves, pollen, embryos, roots, root tips, anthers, silks, flowers, kernels, ears, cobs, husks, and stalks.

Claim 7 (Original): A maize plant, or its parts, regenerated from the tissue culture of claim 5 and capable of expressing all the morphological and physiological characteristics of hybrid maize plant 34B97, representative seed having been deposited under ATCC accession number _____.

Claim 8 (Previously amended): The maize plant of claim 2 wherein said plant has been manipulated to be male sterile.

Claims 9-19 (Canceled) 

Claim 20 (Original): A maize plant, or its parts, having all the morphological and physiological characteristics of the plant of claim 2.

Claims 21-43 (Canceled)

Claim 44 (New): A method of developing a transgenic 34B97 maize plant, comprising transforming at least one of the inbred parents of 34B97 with a transgene, wherein a representative sample of said inbred parents have been deposited as _____ for GE533003 or _____ for GE567919, and crossing said inbred parents to produce a transgenic 34B97 hybrid maize plant.

Claim 45 (New): The maize plant of claim 44 wherein said transgene is a transgene selected from the group consisting of: a plant disease resistance gene, an insect resistance gene, an herbicide resistance gene, a male sterility gene, and a value added trait gene.

Claim 46 (New): The maize plant of claim 45 wherein said transgene is an insect resistance gene encoding a *Bacillus thuringiensis* polypeptide, a derivative thereof or a synthetic polypeptide modeled thereto.

Claim 47 (New): The maize plant of claim 45 wherein said transgene is an herbicide resistance transgene selected from the group consisting of: a transgene conferring glyphosate resistance, a transgene conferring glufosinate resistance, a transgene conferring imadazolinone resistance and a transgene conferring sulfonylurea resistance.


Claim 48 (New): A method of developing a backcross conversion 34B97 hybrid maize plant, comprising backcrossing a gene into at least one of the inbred parents of 34B97, wherein a representative sample of said inbred parents have been deposited as _____ for GE533003 or _____ for GE567919, and crossing said inbred parents to produce a transgenic 34B97 hybrid maize plant.

Claim 49 (New): The maize plant of claim 48 wherein said gene is a transgene selected from the group consisting of: a plant disease resistance gene, an insect resistance gene, an herbicide resistance gene, a male sterility gene, and a value added trait gene.

Claim 50 (New): The maize plant of claim 49 wherein said transgene is an insect resistance gene encoding a *Bacillus thuringiensis* polypeptide, a derivative thereof or a synthetic polypeptide modeled thereto.

Claim 51 (New): The maize plant of claim 49 wherein said transgene is an herbicide resistance transgene selected from the group consisting of: a transgene conferring glyphosate resistance, a transgene conferring glufosinate resistance, a transgene conferring imadazolinone resistance and a transgene conferring sulfonylurea resistance.

Claim 52 (New): A maize plant, or parts thereof, having all the morphological and physiological characteristics of hybrid maize plant 34B97 representative seed of said hybrid maize plant having been deposited under ATCC Accession No. _____.

 Claim 53 (New): A method for producing a 34B97 progeny maize plant, comprising:

- (a) crossing the maize plant or plant parts of claim 2, with a second maize plant to yield progeny maize seed; and
- (b) growing said progeny maize seed, under plant growth conditions, to yield said 34B97 progeny maize plant.

Claim 54 (New): The method of claim 53 further comprising the step of:

- (c) selecting and harvesting 34B97 progeny maize plants which comprise 2 or more 34B97 characteristics described in table 1 or 2.

Claim 55 (New): A 34B97 progeny maize plant, or parts thereof, produced by the method of claim 54.

Claim 56 (New): A method of making a hybrid maize seed 34B97 comprising:
crossing an inbred maize plant GE533003 and GE567919, deposited as _____ and _____,
respectively to produce hybrid maize seed 34B97.

Claim 57 (New): A process for isolating an inbred parent of hybrid maize plant 34B97,
representative seed of which have been deposited under ATCC Accession No. _____,
comprising:

- (a) planting a collection of seed comprising seed of hybrid maize plant 34B97, said
collection also comprising seed of said inbred parent;
- (b) growing plants from said collection of seed;
- (c) identifying an inbred parent plant; and
- (d) selecting said inbred parent plant.

Claim 58 (New): A method of making an inbred maize plant comprising:
obtaining the plant of claim 2 and
applying double haploid methods to obtain a plant that is homozygous at essentially every locus,
said plant having received all of its alleles from maize hybrid plant 34B97.

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Claim 59 (New): The method of claim 58 wherein said inbred line comprises at least about
75% genetic identity to a line selected from the group consisting of GE533003 and GE567919,
deposited as _____ and _____, respectively.

Claim 60 (New): A method for producing a 34B97 progeny maize plant comprising:
(a) growing the plant of claim 2, and obtaining self or sib pollinated seed therefrom; and
(b) producing successive filial generations to obtain a 34B97 progeny maize plant.

Claim 61 (New): A maize plant produced by the method of claim 60, said maize plant
having received all of its alleles from hybrid maize plant 34B97.

Claim 62 (New): A method for producing a population of 34B97 progeny inbred maize plants comprising:

- (a) growing the plant of claim 2 and obtaining self or sib pollinated seed therefrom; and
- (b) producing successive filial generations to obtain a population of 34B97 progeny inbred maize plants.

Claim 63 (New): A maize plant from the inbred population of maize plants produced by claim 62, said plant having received all of its alleles from hybrid maize plant 34B97.

Claim 64 (New): A method for developing a maize plant in a maize plant breeding program comprising: obtaining the maize plant, or its parts, of claim 2 and, utilizing said plant or parts as a source of breeding material.

Claim 65 (New): An 34B97 progeny maize plant, or parts thereof, wherein at least one ancestor of said 34B97 progeny maize plant is the maize plant of claim 2, and wherein the pedigree of said 34B97 progeny maize plant has 2 or less breeding crosses to a plant other than 34B97.
